

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLINTON LEE FERGUSON,

Defendant.

NO: 2:20-CR-0115-TOR

ORDER GRANTING PARTIES'  
STIPULATED MOTION FOR  
PROTECTIVE ORDER RE:  
IDENTIFICATION OF MINORS

BEFORE THE COURT is the Parties' Stipulation for Protective Order Regarding Identification of Minor Victims (ECF No. 21). The matter was submitted for consideration without oral argument. The Court has reviewed the stipulated motion and the file therein and is fully informed. The Parties seek a protective order to govern the identification of minor victims according to 18 U.S.C. § 3509. For good cause shown, the motion is granted.

**ACCORDINGLY, IT IS HEREBY ORDERED:**

1. The Parties' Stipulation for Protective Order Regarding Identification of Minor Victims (ECF No. 21) is **GRANTED**.

ORDER GRANTING PARTIES' STIPULATED MOTION FOR PROTECTIVE  
ORDER RE: IDENTIFICATION OF MINORS ~ 1

- 1        2. The privacy protection measures mandated by 18 U.S.C. § 3509(d),  
2                which apply when a case involves a person under the age of eighteen  
3                years who is alleged to be a victim of a crime of sexual exploitation, or a  
4                witness to a crime committed against another person, apply to this case.
- 5        3. All persons acting in this case in a capacity described in 18 U.S.C. §  
6                3509(d)(1)(B), shall:
  - 7                a. Keep all documents that disclose the names, identities, or any other  
8                information concerning minors in a secure place to which no person who  
9                does not have reason to know their contents has access;
  - 10              b. Disclose such documents or the information in them that concerns  
11              minors only to persons who, by reason of their participation in the  
12              proceeding, have reason to know such information;
  - 13              c. Not permit Defendant himself to review discovery outside the presence  
14              of defense counsel or a defense investigator;
  - 15              d. Not permit Defendant to keep discovery in his own possession outside  
16              the presence of defense counsel or a defense investigator; and
  - 17              e. Not permit Defendant to keep, copy, or record the identities of any  
18              minor or victim identified in discovery in this case.

- 1       4. All papers to be filed in Court that disclose the names or any other  
2       information identifying or concerning minors shall be filed under seal  
3       without necessity of obtaining a Court order, and that the person who  
4       makes the filing shall submit to the Clerk of the Court:
  - 5       a. The complete paper to be kept under seal; and
  - 6       b. The paper with the portions of it that disclose the names or other  
7       information identifying or concerning children redacted, to be placed in  
8       the public record.
- 9       5. The parties and the witnesses shall not disclose minors' identities during  
10      any proceedings connected with this case. The parties and witnesses will  
11      refer to alleged minor victims only by using agreed-upon initials or  
12      pseudonyms (e.g., "Minor Victim 1"), rather than their bona fide names,  
13      in motions practice, opening statements, during the presentation of  
14      evidence, in closing arguments, and during sentencing.
- 15      6. The government may produce discovery to the defense that discloses the  
16      identity and images of alleged minor victims in this case, in order to  
17      comply with the government's discovery obligations. Defendant, the  
18      defense team, Defendant's attorneys and investigators, and all of their  
19      externs, employees, and/or staff members, shall keep this information  
20      confidential as set forth above.

1 7. This Order shall apply to any attorneys who subsequently become  
2 counsel of record, without the need to renew or alter the Order.

3 8. This ORDER shall apply to the personal identifying information and  
4 images of any minors who are identified over the course of the case,  
5 whether or not such minors are known to the government and/or  
6 Defendant at the time the ORDER is entered by the Court.

7 The District Court Executive is hereby directed to enter this Order and  
8 provide copies to counsel.

9 **DATED** September 29, 2020.



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*Thomas O. Rice*  
THOMAS O. RICE  
United States District Judge